

CHAPTER NO. 149

SENATE BILL NO. 2268

By Kyle, Kilby, Chism, Herron, McLeary

Substituted for: House Bill No. 2270

By McMillan, Langster

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 28, Part 2, relative to contributions by employed releasees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-28-201, is amended in subdivision (a)(1) by adding the following sentence after the first sentence of the subdivision:

Such contribution shall be deposited in the board of probation and parole supervision and rehabilitation fund established pursuant to § 40-28-203.

SECTION 2. Tennessee Code Annotated, Section 40-28-201, is amended by adding the following as new subdivision (a)(4):

(4) Except in those cases waived by the department of correction as hardship cases, any person who is participating in any department of correction program whereby such person is permitted in an environment away from the direct, constant, and immediate supervision of the department of correction, whether community-based or otherwise (such person shall be referred to as "employed releasee" in this part), and who is under the supervision of the department, and based on such person's ability to pay, shall be required to contribute five dollars (\$5.00) per month toward the cost of such person's supervision and rehabilitation. Such contribution shall be deposited in the department supervision and rehabilitation fund established pursuant to § 40-28-203.

SECTION 3. Tennessee Code Annotated, Section 40-28-203, is amended by deleting the section in its entirety and replacing it with the following:

(a) There are established separate department of correction and board of probation and parole supervision and rehabilitation funds.

(b) All funds collected for defraying of the costs of supervision and rehabilitation pursuant to § 40-28-201 shall be paid over to the board of probation and parole or the department of correction, as appropriate, before the tenth day of each month for deposit in the funds established by this section.

(c) The purpose of such funds is to promote the safety of the public by ensuring better supervision of individuals released into the community. All such funds shall be withdrawn or expended only for the purpose of employing additional probation and parole personnel, mandatory random drug screening for all persons covered by § 40-28-201, continuing education and training of existing personnel, establishing additional programs whereby an offender may become gainfully employed for the purpose of learning a trade, supporting the person's family and making restitution to the victim, and establishing and providing office and operational supplies for work release, pre-release, or other programs to facilitate the inmate's safe and productive return to the general public upon the expiration of the person's parole, probation, or sentence.

(d)(1) Moneys retained in the supervision and rehabilitation funds shall be invested by the state treasurer under appropriate rules and regulations to the end that adequate funds will be available for the purposes of this section.

(2) Revenues that are produced for such supervision and rehabilitation funds shall not revert to the state general fund and shall not be subject to impoundment or allotment reserve, but shall be managed on a revolving no-quarter basis.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 2, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of May 2005


PHIL BREDESEN, GOVERNOR